

\$DAC  
mw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

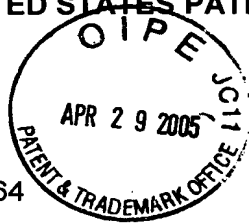
In re Patent Application of

Daniel J Scales

Application No.: 09/757,764

Filed: January 9, 2001

For: SYSTEM AND METHOD FOR  
OPTIMIZING OPERATIONS VIA  
DATAFLOW ANALYSIS



MAIL STOP PETITION

Group Art Unit: 2122

Examiner: MICHAEL J. YIGDALL

Confirmation No.: 8427

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 C.F.R. §1.137(B)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice by the United States Patent and Trademark Office. A Notice of Abandonment in this case is dated February 7, 2005. The date of abandonment is the day after the expiration date of the period set for reply in the Office Action dated June 17, 2004.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

1. A check for the Petition fee of \$1500.00 for Fee Code 1453/2453 (37 CFR 1.17(m)) is enclosed.

2. A response to the final Office Action dated June 17, 2004, is enclosed.

3. Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

05/02/2005 SSESHE1 00000058 082025 09757764 1500.00 0P  
01 FC:1453

4. The Notice of Abandonment in this case is dated February 7, 2005, as mentioned above.


5. Applicant has advised the undersigned that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37. CFR 1.137(b) was unintentional. According to discussions with personnel in the Petitions Office of the U.S. Patent and Trademark Office, this statement is sufficient support for granting of this Petition in the present case.

If any issues remain, the Examiner is encouraged to telephone the undersigned at the below listed number.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 08-2025. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

  
Reg No 48,360

Date: April 29, 2005

By: \_\_\_\_\_  
Patrick C. Keane  
Registration No. 32,858

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620